

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
Donald Junior McCray,

Petitioner,

v.

Civil No. 9:00-CV-885 (GLS)

**SUPERINTENDENT, COLLINS
CORRECTIONAL FACILITY,**

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

DONALD JUNIOR McCRAY

Pro Se

97-A-0738

Marcy Correctional Facility

Box 3600

Marcy, NY 13403-3600

FOR RESPONDENT:

HON. ELIOT SPITZER

Office of the Attorney General

615 Erie Boulevard West

Suite 102

Syracuse, NY 13204-2455

MARIA MORAN

Assistant Attorney General

Gary L. Sharpe

U.S. District Judge

Decision and Order

Pending is Donald Junior McCray's objections to Magistrate Judge George H. Lowe's report recommending that his habeas petition be denied.¹ See *Pet.*, Dkt. No. 1; *Report-Recommendation ("R&R")*, Dkt. Nos. 24 -25; see also 28 U.S.C. § 2254. Since the filing of these objections, McCray has passed away and his petition is now moot. See *Inmate Lookup Information available at <http://nysdocslookup.docs.state.ny.us>.* Accordingly, his petition is moot, and is dismissed.

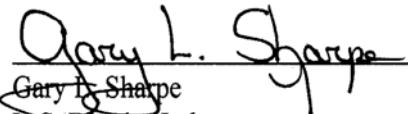
Wherefore, it is hereby

ORDERED that Petitioner Donald Junior McCray's petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED AS MOOT**; and it is further

ORDERED that the Clerk of Court close this case.

IT IS SO ORDERED.

Dated: March 10, 2006
Albany, New York



Gary L. Sharpe
U.S. District Judge

¹The court assumes familiarity with Judge Lowe's report, and the Clerk is directed to append the report to this decision.